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After Final Aftidevits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Cartified Copy of Priority Document(s) The Re			quest for Refund include hibit B, a copy of a retur DIPE.	co es Exhibit A	A. Petition, datestan	(Appert	I Communication to TC at Modes, Brief, Reply Brief) stary Information Letter Enclosure(s) (please identify by the control of Extension Fees' "March 22, 2004" as received		
		SIGNA	TURE C	OF APPLICANT, ATT	ORNEY,	OR AGE	NT		
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Printed name	John A	. Griecci							
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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Application No.

10/600,258

Confirmation No. 7491

Applicant

MACCREADY et al.

5 Filed

June 20, 2003

Art Unit

3746

Examiner

HOLZEN, Steven A.

Docket No.

AVI 1005-04US

10 Customer No.

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28327

Date:

October 17, 2007

Mail Stop: Office of Finance

0010001 17, 2007

Honorable Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR REFUND

20 Dear Sir:

I. REQUEST

Applicants previously mailed a Petition to Refund Extension Fees ("the Petition") of a four month extension of time fee in the amount of \$740.00, to the Patent Office for the above-identified patent application. The Petition apparently became misplaced at the Patent Office, and no reply to the Petition was made by the Patent Office. Furthermore, no refund of the extension fees has been received by Applicants. The present Request for Refund requests that the extension of time fees, in the amount of \$740.00, as well as the fee paid for the Petition, in the amount of \$130.00, be refunded to the Applicants, a total requested refund amount equal to \$870.00.

II. RELEVANT DATES AND OCCURANCES

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March 17, 2004: A Petition to Refund Extension Fees (copy attached, as Exhibit A), accompanied by check number 3220 in the amount of \$130.00 for the Petition, was mailed to the Commissioner for Patents at Mail Stop "Petitions," petitioning for a refund of a four month extension of time fee that was mailed with a Response to Missing Parts (dated February 26,

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AVI 1005-04US 071017 DOth Refund.wpd 07-10-17

Appl. No. 10/600,258
Request for Refund, dated October 17, 2007

2004). As can be seen in Exhibit A, the Petition explained in detail the circumstances that led to Applicants petitioning for a refund of the extension fees. Please refer to the attached copy of the Petition for the circumstances that led to the Petition being filed by Applicants.

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March 22, 2004: The return receipt postcard sent with the Petition was date stamped as received by the OIPE at the Patent Office, and the postcard was returned by mail to Applicants. A copy of the postcard as stamped by OIPE is also attached (see Exhibit B).

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October 4, 2007: It came to the attention of Applicants' attorney during preparation of the fees due for a Notice of Allowance in the application, that the Petition was never answered by the Patent Office, and that a refund was never made to Applicants.

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October 5, 2007: Applicants' attorney contacted the Petitions Department at the Patent Office by telephone to request a status of the Petition, and was informed that there was no record of the Petition. A Ms. Patricia Ball, in the Petitions Department, suggested that the Petition may have been forwarded to the Refunds Department in the Office of Finance. However, a subsequent call to the Refunds Department was also unable to locate the Petition. During the telephone conversations, it was recommended that a Request for Refund be made for both the original overpayment of fees, as well as the petition fee and sent by facsimile to the Refunds Department.

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III. EXPLANATION OF WHY A REFUND IS APPROPRIATE

As can be seen from the attached Exhibit A, Applicants properly requested a refund of the overpayment of fees within the two year statutory limit to request a refund. Since the Petition was received by the Patent Office (as confirmed by the stamped, return postcard) yet not responded to, nor a refund made, Applicants again request

AVI 1005-04US 071017 DOth Refund.wpd 07-10-17 Appl. No. 10/600,258 Request for Refund, dated October 17, 2007

> a refund of the extension fees overpaid. As the Petition was never considered by the Patent Office, Applicants also believe the petition fee should be refunded.

IV. MANNER OF REFUND

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Applicants respectfully requests a refund of \$870.00 (\$740.00 four month extension fees, plus \$130.00 petition fee) be credited to Deposit Account No. 50-1809, and that the Law Office of John A. Griecci be notified that the refund has occurred.

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Please do not hesitate to contact me at the telephone number listed below if you have any questions regarding this request.

Respectfully submitted,

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By:

John A. Griecci

20

Registration No. 39,694

The Law Office of John A. Griecci 703 Pier Avenue, Suite B #657 Hermosa Beach, California 90254 (310) 376-6527 (phone)

25 (310) 376-6527 (phone) (310) 376-6529 (facsimile)

PTO/SB/17 (10-03)
Approved for use through 07/51/2006, OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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WARNING: Information on this form may become public. Credit card information should not be included on this form, Provide credit card information and authorization on PTO-2038.

be included on this form, Provide credit card information and authorization on PTO-2038.

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If you need essistence in completing the form, call 1-500-PTO-9199 and select option 2.

Exhibit"A" page 1

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If you need assistance in completing the form, cell 1-800-PTO-9199 and select option 2.

EXhibit "A" page 3
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be included on this form. Provide credit card information and authorization on PTO-2038.

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If you need assistance in completing the form, call 1-500-PTO-9199 and select option 2.

Exhibit "A" page 4

Application No.

10/600,258

Confirmation No. 7491

Applicant

MACCREADY et al.

Filed 5

June 20, 2003

Art Unit

3746

Examiner

Docket No.

AVI 1005-04US

10 Customer No. 28327

Date:

March 17, 2004

Mail Stop: Petition

Honorable Commissioner for Patents

P.O. Box 1450 15

Alexandria, VA 22313-1450



PETITION TO REFUND EXTENSION FEES

20 Dear Sir:

> I. REQUEST

Applicants previously filed a petition for a four month extension of time and a check for \$740.00, along with a reply to a Notice of Missing Parts ("the Notice"). 25 The present petition requests that the extension of time fees, in the amount of \$740.00, be refunded to the Applicants.

RELEVANT DATES AND OCCURANCES II.

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August 27, 2003: The Notice was apparently mailed by the Patent Office to The Law Office of John A. Griecci (the "Law Office"), with a shortened statutory deadline of two months. The Notice recites the correct correspondence address, but was never received by the Law Office.

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February 5, 2004: Attorney John Griecci of the Law Office contacted the Patent Office by telephone to request the status of the application, and was informed of the mailing date of the Notice. At Mr. Griecci's request, the Patent Office agreed to send a courtesy copy of the Notice to the Law Office by facsimile. Mr. Griecci made a search of the file at the Law Office

AVI 1005-04US 040317 DOth-wpd

Page 1 of 3

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Appl. No. 10/600,258 Request for Refund Exhibit A, page 5

and verified that the Notice had not been received. Enclosed is a phone memoranda prepared on February 5, 2004, recording the subject discussed in the telephone call.

- February 10, 2004: After a second request by Mr. Griecci, a courtesy copy of the Notice was sent to the Law Office by facsimile. Enclosed please find a copy of a cover letter that accompanied the Notice.
- February 26, 2004: Applicants filed a response to the Notice, along with a petition for a four month extension of time to respond to the Notice. That petition required the payment of a \$740.00 fee under 37 C.F.R. 1.17(a)(4).

 Enclosed please find a copy of the petition for a four month extension of time to respond to the Notice.

15 III. EXPLANATION OF WHY A REFUND IS APPROPRIATE

On February 5, 2004, an inquiry to the Patent Office by the Law Office resulted in Applicants learning that the Notice had apparently been mailed over five months prior to that date. Applicants prepared and filed a response to the Notice during the three weeks remaining within the 6 month statutory period for the Notice.

Had the Law Office not checked on the status of the application, Applicants' first knowledge of the Notice would have been upon receipt of a Notice of Abandonment. In that case, Applicants would have been entitled to petition for revival of the application as unavoidably abandoned, with only the payment of a \$55.00 petition fee. It is inappropriate for Applicants to be penalized with a \$740.00 extension fee simply because they were diligent enough to discover the problem prior to abandonment.

Therefore, it is appropriate to reset the response period of the Notice of Missing
Parts to run from February 5, 2004, the date Applicants first learned that it had

. Appl. No. 10/600,258 Request for Refund

Exhibit "A" pug 6

been mailed. It is further appropriate to then refund the extension of time fee paid by Applicants.

In the alternative, it is appropriate for the Patent Office to remove the shortened statutory deadline, which is applied at the prerogative of the Commissioner. As noted above, it is further appropriate to then refund the extension of time fee paid by Applicants.

MANNER OF REFUND IV.

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Applicants respectfully requests a refund of \$740.00 be credited to Deposit Account No. 50-1809, and that the Law Office of John A. Griecci be notified that the refund has occurred.

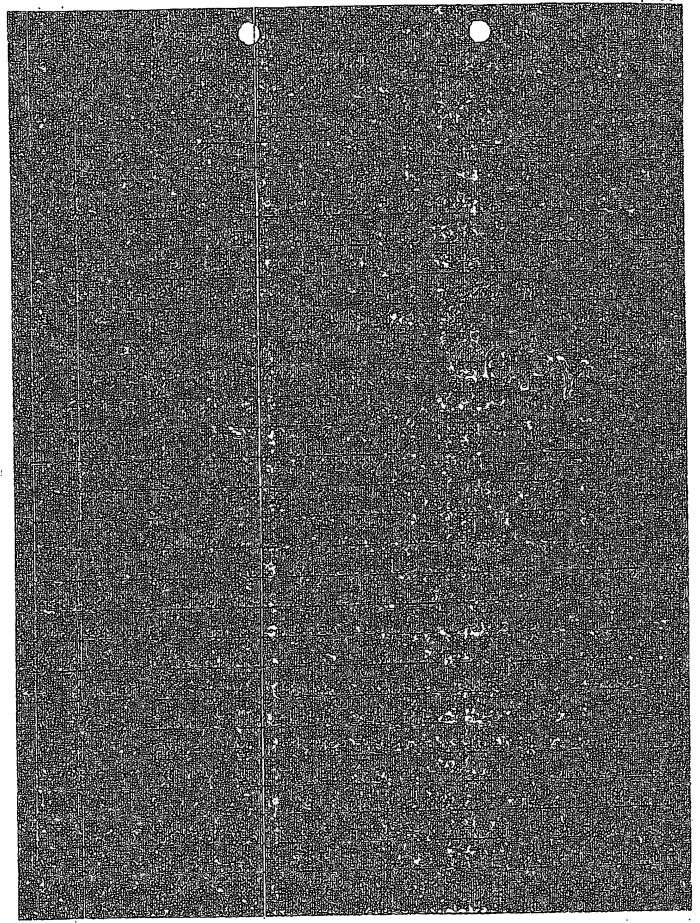
Respectfully submitted,

By:

Registration No. 39,694

The Law Office of John A. Griecci 703 Pier Avenue, Suite B #657 Hermosa Beach, California 90254 (310) 376-6527 (phone)

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Page I of I



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JUITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Tredemark Office
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APPLICATION NUMBER

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTY, DOCKET NO /TITLE

10/600,258

703 PIER AVE., SUITE B #657 HERMOSA BEACH, CA 90254

THE LAW OFFICE OF JOHN A. GRIECCI

06/20/2003

Paul MacCready

AVI1005-04US

CONFIRMATION NO. 7491

RESEND COVER LETTER

OC000000011875180

Date Mailed: 02/11/2004

COVER LETTER FOR RESENDING CORRESPONDENCE

A courtesy copy of the Notice mailed on 08/27/2003 is enclosed. The time period for reply continues to run from the mall date of that Notice.

SODW SODW

A copy of this notice MUST be returned with the reply.

Customer Service Center Initial Parent Examination Division (703) 308-1202 PART 2 - COPY TO BE RETURNED WITH RESPONSE

Exhibit "A" page 9

PTO/SB/22 (US-03)
Approved for use through 7/31/2008, OMB 6851-0031
U.S. Patent and Trademark Office; U.S. DEPARMENT OF COMMERCE
Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PE	ETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)				Docket Number (Optional) AVI 1005-04US				
_				In re Applica		MACC	READY 61		
				Application I	lumber	10/600,258	Filed	June 20, 2003	
				For	HYDRO	GEN POWER	ED AIR	CRAFT	
				Art Unit	3746	Examiner			
app	ecation.		er the provisions of 37						
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	I am the		applicant/inventor.		•				
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		K	attorney or agent	of record. Registral	ion Number	39,694		-	
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including gathering, preparing, and submitted for any suppositions for reducing this burden, should be sent to the Chief thromation of the on the amount of time you require to complete this form and/or suppositions for reducing this burden, should be sent to the Chief thromation on the sent freedom of time your requirement of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS and Treatment of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

ADDRESS, SEND TO: Commissioner for Patenta, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need essistance in completing the form, call 1-800-PTO-8199 and select option 2.

Exhibit "A, page 10

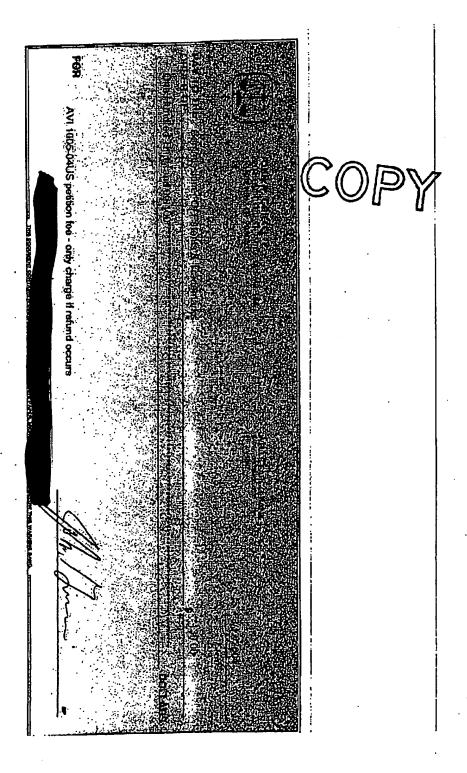


Exhibit "B"

Please date stamp and acknowledge receipt of the accompanying:

X Transmittal Form

Date Mailed: March 17, 2004

X Fee Transmittal (in duplicate) Check No(s): 3220 for \$130.00

X Petition to Refund Extension Fees, including:

- Copy: The Law Office of John A. Griecci memuranda

- Copy: Cover Letter for Resending Correspondence

- Copy: Petition for Extension of Time Under 37 C.P.R. 1.1369

Filing Date: June 20, 7/103 Serial No.: 10/600,258 Title: HYDROGEN POWERED AIRCRAFT First Applicant's Name: MACCREADY, Paul B.

Examiner: Not yet assigned Group Art Unit: 3746 Attorney Docket No.: AVI 1005-04US Conf. No.: 7491

Oriecci Client: AeroVironment



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pplication No.

10/600,258

Confirmation No. 7491

Applicant

MACCREADY et al.

Filed Art Unit June 20, 2003 3746

Docket No.

Examiner

AVI 1005-04US

10 Customer No.

28327

Date:

March 17, 2004

Mail Stop: Petition

Honorable Commissioner for Patents

, 15 P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO REFUND EXTENSION FEES

20 Dear Sir:

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I. REQUEST

Applicants previously filed a petition for a four month extension of time and a check for \$740.00, along with a reply to a Notice of Missing Parts ("the Notice"). The present petition requests that the extension of time fees, in the amount of \$740.00, be refunded to the Applicants.

Π. RELEVANT DATES AND OCCURANCES

August 27, 2003: The Notice was apparently mailed by the Patent Office to The Law Office of John A. Griecci (the "Law Office"), with a shortened statutory deadline of two months. The Notice recites the correct

correspondence address, but was never received by the Law Office.

February 5, 2004: Attorney John Griecci of the Law Office contacted the Patent Office by telephone to request the status of the application, and was informed of the mailing date of the Notice. At Mr. Griecci's request, the Patent Office agreed to send a courtesy copy of the Notice to the Law Office by facsimile. Mr. Griecci made a search of the file at the Law Office by facsimile. Page 1 of 3

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PTO/SB/22 (08-03)
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nder the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless if displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR				1.136(a)	Doc	ket Number (O	ptional)	AVI 1005-04US	
			In re Applica	ition of		MACC	READY et	al.	
				Application I	Number	10/69	00,258	Filed	June 20, 2003
	For HYDROGEN POWERED AI						ED AIR	CRAFT	
				Art Unit	3746		Examiner		
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This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandría, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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